

### REMARKS/ARGUMENTS

The allowability of claims 82 and 83, and the allowance of claims 84-88 has been gratefully noted. It is also noted that claims 67, 68, 70, 71, 73, 74 and 81 have not been rejected, and these claims are presumably also considered allowable by the Examiner.

The rejection of claim 61 under 35 U.S.C. 112 is not understood since it recites only a single range.

Claim 59 has been amended in the light of the Examiner's underlined comments on page 3 of the Office communication of July 1, 2005. A basis for this amendment is found, for example, on page 12, lines 10-15, of the specification (identical to paragraph 0045 of US PG Pub 20040074966 cited by the Examiner).

As stated by the Examiner, "such a system ... based on the analysis related to some particular named properties of the boot and binding ... is clearly not taught in Wan et al." As stated at (b) of claim 59, the claimed electronic tracking system has a control unit which detects the data received from the code transmitters assigned to the retaining mechanism and the sport shoe, respectively, and which analyzes these data to ascertain whether the retaining mechanism and the sport shoe have properties and/or settings to make their combination safe.

Accordingly, claim 59 is respectfully submitted clearly to be patentable over Wan et al, the primary references, in view of Lippert, the secondary reference.

Wan et al disclose a method of automatically identifying articles of clothing stored in a wardrobe closet to aid a user in the selection of the clothing. The wardrobe closet is equipped with a software-operated computer and a receiver of electromagnet waves to detect identifying codes on the stored clothing articles. The wardrobe closet may be connected to a wide area network (WAN), for instance the Internet, and the user will have information derived from the content of the wardrobe closet as well as the Internet. This information may be used, for example, in relation to the color and texture of matching clothing articles to warn the user against selecting articles that do no match. The matching of stored clothing articles is detected only when the articles are removed or bought from the wardrobe closet. There is no detection of specific persons who will wear the clothing. This method aids a shopper in the selection of clothing articles and indicates the shopper's choices so that it may also help in market research.

It is the object of Wan et al's system to guide a user in selecting clothing items on the basis of fashion or aesthetic considerations. As the Examiner has stated, there is **no** suggestion to match clothing items on the basis of **safety**. Wan et al, of course, do not at all suggest handling ski boots and

their bindings. Furthermore, nothing in Wan et al relates to transmitting codes indicating the properties and/or settings of a ski boot and a ski binding and to analyze these properties and/or settings to ascertain their **safe** combination.

Lippert deals with a rental system for sporting articles at a sports facility which has an access permission data carrier comprising personal identification and access permission data accessible by an access terminal. This access terminal has a reading device for reading the data. A rented ski, for example, has a contactlessly functioning data carrier on which the same personal identification data are stored as in the access permission data support. The contactlessly functioning data carrier is connected by a reading device to a device that compares the personal identification data on the on the data carrier with the data on the access permission data carrier. If the data do not correspond, access is denied. A contactlessly functioning data carrier may also be provided on other rented sporting articles to assure the coordination of sport shoes, ski binding and matching ski or snowboard for each renter of these articles. This also facilitates the inventory of the rental agency. Furthermore, the data carriers may also store data concerning the rental fees. This rental system prevents abuses in the rental of sporting articles, such

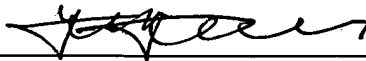
It is Lippert's object to avoid abuses in a ski rental system. There is **no** suggestion to transmit or analyze data

relating to the properties and/or settings of a ski boot and of a ski binding to ascertain **on the basis of the properties and/or settings** whether their use together would be **safe**. Accordingly, it is respectfully submitted that no obvious combination of Wan et al and Lippert, both of which have entirely different objects which, in turn, differ fundamentally from the object of the claimed system, made this claimed system obvious to a person of ordinary skill in the art at the time the present invention was made.

In view of the above, claims 59 is respectfully believed to be patentable, together with all the claims dependent thereon.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 59-88 are respectfully solicited.


Respectfully submitted,  
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